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BEFORE THE FEDERAL ELECTION COMMISSION

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|----------------------------|---|-----------------------------|
| In the Matter of |) | |
| |) | |
| MUR 5980 |) | CASE CLOSURE UNDER THE |
| CHRIS HACKETT FOR CONGRESS |) | ENFORCEMENT PRIORITY SYSTEM |
| |) | |
| |) | |

GENERAL COUNSEL'S REPORT

Under the Enforcement Priority System, matters that are low-rated and are deemed inappropriate for review by the Alternative Dispute Resolution Office are forwarded to the Commission with a recommendation for dismissal. The Commission has determined that pursuing low-rated matters compared to other higher rated matters on the Enforcement docket warrants the exercise of its prosecutorial discretion to dismiss these cases.

The Office of General Counsel scored MUR 5980 as a low-rated matter. In this case, the complainant, Thomas Cahill, alleges that the Chris Hackett for Congress Committee ("Committee") violated various disclaimer provisions under the Federal Election Campaign Act. Specifically, the Committee allegedly failed to include an oral statement of approval at the end of a television advertisement, printed a communication, which failed to include a printed box around the disclaimer, and displayed a campaign yard sign with language that was too small to make it "clearly readable."

The Committee responded that it complied with the Commission's regulations by including the following phrase, which was used in its commercial: "I'm Chris Hackett and this is my message." The Committee cited to 11 C.F.R. § 110.11(c)(3)(i)(A) in its response.

1 and observed that the Commission's regulations do not require a specific phrase or even
2 words, but rather a reflection that the candidate approved the message.

3 The Committee admitted in its response that it failed to include a box around a
4 disclaimer, which was associated with one of its printed communications. As for its
5 campaign yard sign, the Committee noted that the sign's dimensions and font size complied
6 with the Commission's safe harbor provisions under 11 C.F.R. § 110.11(c)(2)(i).

7 In light of the de minimis nature of the alleged violations, and in furtherance of the
8 Commission's priorities and resources, relative to other matters pending on the Enforcement
9 docket, the Office of General Counsel believes that the Commission should exercise its
10 prosecutorial discretion and dismiss the matter. *See Heckler v. Chaney*, 470 U.S. 821 (1985).
11 Additionally, this Office recommends that the Committee be admonished for failing to
12 include an appropriate box around its disclaimer.


13 **RECOMMENDATION**

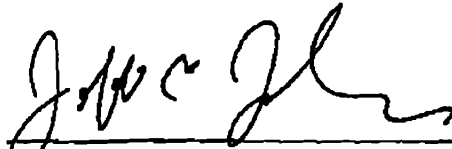
14 The Office of General Counsel recommends that the Commission dismiss
15 MUR 5980, admonish Chris Hackett for Congress and Carol D. Sides, as treasurer, close the
16 file effective two weeks from the date of the Commission vote, and approve the appropriate
17 letters. Closing the case as of this date will allow CELA and General Law and Advice the
18 necessary time to prepare the closing letters and the case file for the public record.

19 Thomasenia P. Duncan
20 General Counsel

21
22 4/15/08
23 Date

24 BY:

25 
26 Gregory R. Baker
27 Special Counsel
Complaints Examination
& Legal Administration



Jeff S. Jordan
Supervisory Attorney
Complaints Examination
& Legal Administration

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Attachment:
Narrative in MUR 5980

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4 **MUR 5980**

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6 **Complainant:** Thomas Cahill

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8 **Respondents:** Chris Hackett for Congress Committee and
9 Carol D. Sides, as Treasurer

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11 **Allegations:** The complainant, Thomas Cahill, alleges that the Chris Hackett for
12 Congress Committee ("Committee") violated various disclaimer provisions. Specifically,
13 the Committee allegedly failed to include an oral statement of approval at the end of a
14 television advertisement; printed a communication, which failed to include a printed box
15 around the disclaimer; and displayed a campaign yard sign with language that was too
16 small to make it "clearly readable."

17
18 **Response:** The Committee responded that it complied with the Commission's
19 regulations by including the following phrase, which was used in its commercial: "I'm
20 Chris Hackett and this is my message." The Committee cited to 11 C.F.R. §
21 110.11(c)(3)(ii)(A) in its response and observed that the Commission's regulations do not
22 require a specific phrase or even words, but rather a reflection that the candidate
23 approved the message. The Committee admitted in its response that it failed to include a
24 box around a disclaimer, which was associated with one of its printed communications.
25 As for its campaign yard sign, the Committee noted that the sign's dimensions and font
26 size complied with the Commission's safe harbor provisions under 11 C.F.R.
27 § 110.11(c)(2)(i).

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29 **Date complaint filed:** March 4, 2008

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31 **Response filed:** March 31, 2008
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